



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA, et al. ex rel. URI  
BASSAN,

**15-CV-04179 (CM) (VF)**

Plaintiffs,

**ORDER**

-against-

OMNINCARE, INC.,

Defendant.

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UNITED STATES OF AMERICA,

Plaintiff,

-against-

OMNINCARE, INC. and CVS HEALTH  
CORP.,

Defendants.

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**VALERIE FIGUEREDO, United States Magistrate Judge:**

In a letter motion dated February 24, 2023, the Government requested permission to take a 54-hour deposition of Omnicare's 30(b)(6) witness. See ECF No. 196. The Government proposed dividing up the time as follows: 14 hours to address Omnicare's corporate level policies and practices, and 10 four-hour periods to address specific pharmacy-level policies and practices at 10 Omnicare pharmacies. Omnicare opposed the request and proposed affording the Government 10 hours. See ECF No. 201. In a conference before Judge McMahon on September 20, 2022, the Government indicated that it had taken 30(b)(6) depositions during its investigation, but that the depositions were "focused on the particular dispensing systems at

issue” and did not address “operation” and “compliance.” See ECF No. 127-4 at 17. Given the complexity of the case and the significant number of topics that the parties agreed would be addressed at a 30(b)(6) deposition, the Government has shown good cause for additional time. But a 54-hour 30(b)(6) deposition is not commensurate with the needs of the case, particularly because the Government obtained extensive testimony during its investigation and it also seeks a full seven-hour 30(b)(6) deposition of CVS Health Corp. The Government may therefore have 38 hours for Omnicare’s 30(b)(6) deposition. The Court reached that number by allocating nine hours to testimony about corporate level policies and practices, four hours to testimony for pharmacy-level policies and practices at two pharmacies, three hours for testimony for pharmacy-level policies and practices at two other pharmacies, and 2.5 hours for testimony for pharmacy-level policies and practices at the remaining six pharmacies. Although the Court reached the 38-hour number by allocating the time as just discussed, the Government is free to allocate the time differently as long as it stays within the 38-hour limit.

**SO ORDERED.**

DATED: New York, New York  
March 1, 2023

  
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VALÉRIE FIGUEREDO  
United States Magistrate Judge